

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/20/2019

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HYE SUN KANG,

Plaintiff,

-against-

L'OREAL USA, INC., AND
BLOOMINGDALE'S, INC.,

Defendants.
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18-CV-11682 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on November 19, 2019, Plaintiff filed a motion for contempt or sanctions pursuant to Rule 45(g) of the Federal Rules of Civil Procedure, against a non-party, Janai Edwards, Pl. Notice of Motion (Dkt. 47) at 1;

WHEREAS Plaintiff claims that Ms. Edwards failed to appear for a deposition despite having been served with a subpoena noticing the deposition, which was to take place on October 28, 2019, Pl. Mem. of Law (Dkt. 47-1) at 2;

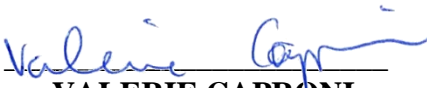
IT IS HEREBY ORDERED that Plaintiff's motion shall be viewed as a motion to compel Ms. Edwards' deposition testimony. Ms. Edwards, either through an attorney or by representing herself, must file with the Court a response to Plaintiff's motion, no later than **December 4, 2019**, why she should not be ordered to appear for a deposition. Alternatively, in lieu of a response to the motion, Ms. Edwards may reach an agreement with Plaintiff's attorney about a time and place for the deposition. If an agreement is reached, Plaintiff is directed to immediately file a letter with the Court, explaining the resolution.

IT IS FURTHER ORDERED that Plaintiff must serve a copy of this Order on Ms. Edwards by registered mail and by personal delivery. Plaintiff must file proof of service no later

than **November 27, 2019**. In addition, Plaintiff's counsel must file a letter on or before **November 27, 2019**, explaining why he waited until a week before the close of fact discovery to notify the Court of this issue (after the Court's warning that further extensions are unlikely to be granted) and why the Court should find good cause to extend the fact discovery period again.

SO ORDERED.

Date: November 20, 2019
New York, New York


VALERIE CAPRONI
United States District Judge